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C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 010391

SIPDIS

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TAGS: [PGOV](#) [PTER](#) [CO](#)

SUBJECT: REPARATIONS COMMISSION MEMBER CRITICIZES HOSTILITY
OF PROCURADURIA; SAYS URIBE ON MARK WITH PARAS

Classified By: Ambassador William B. Wood.

Reason: 1.4 (b,d)

Summary

1. (C) National Commission on Reconciliation and Reparations member Jaime Jaramillo said November 2 that the Commission's work is going well despite the frequent and transparent hostility of the Attorney General's office (procuraduria) representatives during Commission meetings. Jaramillo said paramilitaries also remain suspicious of the Commission, considering it to be a "repressive apparatus of the State." In Jaramillo's view, President Uribe was correct to insist on the December 31 demobilization deadline because he cannot afford to be dealing with demobilizations late into the 2006 electoral campaigns. Jaramillo said the Constitutional Court's reelection decision should boost ELN peace talks, although he expressed disappointment that the ELN's circle of interlocutors in Medellin was so narrow. Jaramillo will continue in his efforts to meet with Don Berna in Itagui; Peace Commissioner Restrepo has refused his previous two efforts to arrange a meeting. Jaramillo also delivered a message for the Ambassador on extradition from Salvatore Mancuso. End summary.

Commission Work Going Well...

2. (C) Jaramillo told D/Polcouns that the Commission's work was going well. The GOC formed the Commission to implement the reparations and reconciliation provisions of the Justice and Peace law. Jaramillo expects to receive a copy of the Justice and Peace law implementing regulations early next week and is moving forward on three additional key tasks: evaluating properties already handed over for reparations; strengthening the Solidarity Fund; and finalizing the process for selecting the Commission's two victims' representatives.

...Despite Procuraduria Hostility

3. (C) Jaramillo was highly critical of the procuraduria lawyers' hostility towards the Justice and Peace law. He said the lawyers frequently attack the law in Commission meetings, asserting that it is a law of impunity and fails to meet international standards. The procuraduria's outside advisors chime in with similar criticisms (one has taken to referring to Uribe as "Colombia's Fujimori" during meetings). In Jaramillo's view, the lawyers are on a political campaign to discredit the law, following the instructions of their boss, Procurador General Edgardo Maya. Their lack of constructive assistance has slowed the Commission down somewhat, Jaramillo said, but will not prevent it from moving forward.

Paras Suspicious

4. (C) Jaramillo said paramilitaries remain suspicious and even fearful of the Commission's work, referring to it as a "repressive apparatus of the State." The paramilitaries assert that the Commission is designed to confiscate their properties. Jaramillo noted that the Commission is making efforts to persuade paramilitaries that the Fiscalía is responsible for any law enforcement aspects of property identification and redistribution, while the Commission focuses on reparations for victims. In Jaramillo's view, the Fiscalía will have a tough time identifying properties for confiscation, especially in areas such as Uruba, Cordoba, Bajo Magdalena, and in border areas (especially with Venezuela), where few, if any, paper records exist.

Uribe's "Clearly Correct" Move on Para Demobilization

5. (C) Jaramillo characterized Uribe's insistence on paramilitary demobilizations by December 31 as "clearly correct," arguing that the president does not want to campaign in 2006 with demobilization issues hanging over his

head. In Jaramillo's view, the paramilitaries who are still to demobilize are low in morale and internally divided. They are not nearly the force they once were, he said, and Uribe can afford to push them hard.

ELN's Circle Too Narrow

16. (C) According to Jaramillo, the Constitutional Court's reelection decision should boost the ELN peace process, although ELN spokesperson Francisco Galan is not using his "probational liberty" as well as he could because his circle of interlocutors is too narrow. If Galan does not expand his circle the peace process would remain slow and cumbersome because Galan is not listening to many opposing views. Jaramillo asserted that Colombia's business sector should become more involved in the discussions. Unfortunately, he said, they assume the ELN is basically defeated and no longer poses a military threat. Such an analysis is misguided, Jaramillo said, and dangerous: it misses an important political opportunity to bring the ELN into the "democratic camp" and further isolate the FARC.

Seeking a Meeting with Don Berna

17. (C) Jaramillo will continue to press Restrepo for an opportunity to meet with Don Berna in Itagui, a request that Restrepo has denied twice already. Jaramillo explained that Don Berna exerts a powerful hold over paramilitaries and "pseudo-paramilitaries" (i.e., narcotraffickers) and could play an important role in releasing properties for reparations.

Message for Ambassador from Mancuso

18. (C) Jaramillo passed on a personal message for the Ambassador he said was from Mancuso: Mancuso is prepared to serve any Justice and Peace sentence in the U.S. and wants to talk about conditions and terms of confinement. He is aware that he could face additional charges in the U.S. (see septel for more detailed discussion of this and similar extradition "offers" the embassy has received in recent weeks).

WOOD